

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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McDOWELL,

Plaintiff,

-against-

T-MOBILE USA, INC.

Defendant.

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A P P E A R A N C E S:

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AZRACK, United States Magistrate Judge:

Upon review of the attorney work product submitted for *in camera* review, I find that the crime fraud exception is inapplicable to these documents. There is no evidence that these documents were created in an attempt to mislead or perpetrate a fraud on the EEOC in response to its investigation of plaintiff's complaint. Thus, the work product privilege continues to apply to these documents and they need not be produced to plaintiff under any exception to that privilege.

SO ORDERED.

Dated: Brooklyn, New York
December 15, 2005

_____/s/_____
JOAN M. AZRACK
UNITED STATES MAGISTRATE JUDGE